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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002151

SIPDIS

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TAGS: [KPAO](#) [PHUM](#) [PGOV](#) [PREL](#) [IZ](#)  
SUBJECT: IRAQI JOURNALISTS EXPRESS CONCERN OVER DRAFT  
LEGISLATION

REF: A. BAGHDAD 1077  
[1](#)B. BAGHDAD 1951

Classified By: Political Minister-Counselor Gary A. Grappo for Reason 1  
.4 (b), (d).

[1](#)1. (C) SUMMARY AND COMMENT: On July 31, the Government of Iraq (GOI) announced a draft law purporting to protect journalists' rights and freedom of the press. Many Iraqi and international media rights groups and individual journalists are concerned that, if passed, the law could be manipulated by the GOI to tamp down public criticism of the government. Critics view this bill as part of a broader ongoing GOI push to restrict freedom of the press. Post assesses that the draft law is positive insofar as it enshrines certain press freedoms and that most of the limitations and curbs stated in the bill are consistent with those found in many Western press freedom laws. That said, in view of recent GOI actions that have had the effect of intimidating and censoring local media, Embassy (including through DRL-funded implementers) will continue to assist independent journalists in advocating for Parliament to adopt a law less susceptible to abuse. END SUMMARY AND COMMENT.

[1](#)2. (SBU) Iraq's Council of Ministers on July 31 approved a draft law enshrining protections for journalists affiliated with the state-sponsored Iraqi Journalists Syndicate (IJS) and providing them and their families with a government grant of USD2,400 if they are killed while performing their work. The bill will likely be on Parliament's agenda when it reconvenes in September. While GOI spokesman Ali al-Dabbagh claimed that the draft law is "aimed at providing protection for Iraqi journalists in Iraq and is committed to ensuring their rights," certain clauses (discussed below) have caused concern among media rights groups and independent journalists. A number of our interlocutors point out that the draft law closely resembles an earlier draft that was rejected by Parliament's Media and Culture Committee on July 22 as being too restrictive on freedom of expression.

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Reasons for Concern  
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[1](#)3. (C) One of the primary complaints we have heard from our contacts is that the law requires journalists to join the government-sponsored Iraqi Journalists Syndicate (IJS) in order to be eligible for any of the benefits enshrined in the draft law. Specifically, Article 16 defines a journalist as "one who works for press (outlets) that may be read, heard, or viewed, and who is affiliated with the Iraqi Journalists Syndicate."

[1](#)4. (C) Many of our press contacts claim that the IJS as an organization is not, and has never been, a serious or credible advocate of an independent media. Under Saddam Hussein it was often used to keep Iraqi journalists in line and loyal to the regime, and even in the post-Saddam era it has been notorious for corruption, poor leadership, and favoritism, according to analysts at DRL-grantee

International Research and Exchange Board's (IREX) program Supporting Independent Media in Iraq (SIMI). Dr. Kadhim al-Rikabi, an IREX staff member, noted that most reporters are members of the IJS because there is no other comparable umbrella organization available to them and because the IJS is affiliated with the International Federation of Journalists (IFJ). (Note: The IFJ has publicly denounced the draft law. End note.).

15. (C) Journalists and media watch groups, most prominently the Journalistic Freedom Observatory (JFO), an Iraqi NGO, have expressed concern to Embosfs over the following elements of the draft law:

-- Article 3: Government bodies may not refuse to grant Q-- Article 3: Government bodies may not refuse to grant journalists access to information unless "revealing the information would cause great damage to the national interests."

-- Article 4: Journalists are not required to reveal their sources "unless it is necessary to prevent a crime or discover the perpetrator of a crime."

-- Article 5: The government may not confiscate journalists' equipment "except by order of the court...and the confiscation must be necessary to prevent a crime."

-- Article 8: Journalists shall be permitted to carry out their work without interference on the part of the Iraqi Security Forces "unless there is a legitimate justification."

16. (C) While these clauses are not in and of themselves much

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different from Western-based press freedom laws, many independent Iraqi journalists fear the draft law could be used as justification by the GOI to harass and manipulate the press. For example, the JFO is worried that the language in Article 4 could be used by the GOI to force reporters into revealing their sources. The JFO has also raised objections to the statement in the draft law that journalists may express their beliefs so long as it is "with due respect to law and the state regime," and may not use "hostile or provocative language that jeopardizes the security and stability of the country." The JFO is concerned that, if the law is passed, these sections may be broadly interpreted by the GOI to restrict legitimate criticism of the administration or politicians.

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Just Another Brick in the Wall  
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17. (C) This is not the first time journalists have raised such concerns with Embosfs about GOI actions that seem designed to curb press freedom (ref A). In a July 9 roundtable with Embosfs organized by IREX, representatives from various independent Iraqi media outlets and academic institutions expressed pessimism about prospects for the future, citing recent statements by PM Maliki and his advisors as indicative of a crackdown on independent media. Attendees were universally critical of the government's manipulation of the press and condemned the use of public money -- including some from USG sources -- that fund politicians' and political parties' media outlets.

18. (C) There was general consensus among the journalists who participated in the July 9 meeting that the situation for independent media in Iraq had deteriorated, and will continue to do so, following the June 30 withdrawal of U.S. forces from cities. The attendees expressed concern that they "have no voice" to defend themselves against a crackdown on freedom of the press by the GOI. They noted that GOI pressure has been both overt (direct threats, arrests and confiscation of equipment) and more subtle (an increase in lawsuits against

individual journalists and media outlets).

¶9. (C) A number of attendees mentioned recent public statements by PM Maliki that appeared to indicate a desire on the part of the GOI to clamp down on press freedoms. Many had attended a symposium on human rights sponsored by the Council of Ministers on July 8 (ref B) at which Maliki called on the press and NGOs to act "professionally" and cease their condemnation of the GOI for human rights abuses. Journalists at the July 9 roundtable universally agreed that these statements were indications of things to come and predicted that the prime minister would continue to crack down on independent journalists critical of GOI policies.

¶10. (C) The draft law also comes on the heels of an effort by the Cabinet and Ministry of Interior to restrict Iraqis' access to web sites which "negatively impact Iraqi society, values and security," according to a statement issued by the Ministry of Interior on August 2. Specifically, the GOI seeks to limit access to websites encouraging terrorism and those "pornographic websites that contradict Islam and Iraqi society and traditions," citing the Iraqi constitution's prohibition against the publishing of any text which contradicts the "values and traditions of Islam." Ziyad al-Ajili, director of the JFO, noted that such restrictions are a "return of dictatorship" and called for them not to be implemented.

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Comment  
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¶11. (C) While the GOI is adamant that the draft law will be beneficial to journalists and expand freedom of the press, previous statements and actions by PM Maliki's administration have given members of the media cause for concern. Movement towards enshrining press freedoms is a step in the right direction, but much of the law's text is vaguely worded and could be used by the government to restrict the independent media's ability to criticize official policy. Intimidation and censorship practices, if they become prevalent, would be a sobering reversal of significant progress made since 2003. DRL-funded implementers will continue to assist independent journalists in advocating for Parliament to adopt a more balanced law. End Comment.

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